



City of Tualatin

TUALATIN CITY COUNCIL

Monday, June 9, 2014

JUANITA POHL CENTER
8513 SW Tualatin Road
Tualatin, OR 97062

BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik
Councilor Joelle Davis Councilor Nancy Grimes
Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Annual Report 2013/2014
2. Basalt Creek Concept Plan Community Workshop Preview

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of May 27, 2014
2. Consideration of **Resolution No. 5197-14** Certifying City of Tualatin Municipal Services
3. Consideration of an Intergovernmental Agreement between Washington County and the City of Tualatin for the Washington County Community Development Block Grant Program, Years 2015-2017

E. SPECIAL REPORTS

1. Family Resource Center Update- Catherine West

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of **Resolution No. 5199-14** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2014-15

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

City Council Meeting

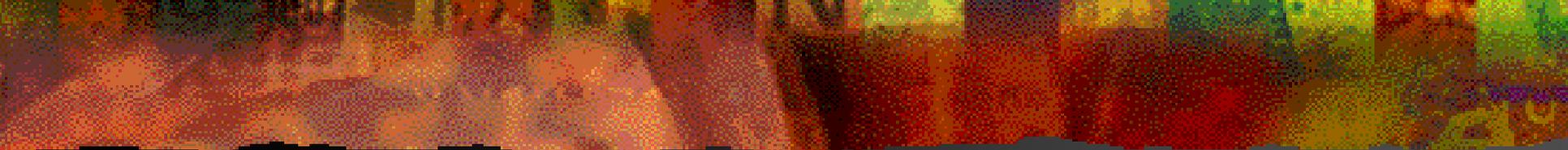
Meeting Date: 06/09/2014

ANNOUNCEMENTS: Tualatin Youth Advisory Council Annual Report

ANNOUNCEMENTS

Tualatin Youth Advisory Council Annual Report 2013/2014

A. YAC Annual Report



Tualatin Youth Advisory Council

2013/2014 Annual Report

YAC Seniors



Libby Banse-Fay



Tyler Inberg



Miranda Saari



Jennie Shen



Kristi Workman

YAC Goals:

- Advise the Tualatin City Council on issues that affect youth in the community
- Serve as a communication link for youth to government, business, and the community on a variety of subjects
- Identify and advocate for the needs of youth in our community
- Identify and carry out events and activities for the community, which are important to youth

We strive to meet these goals in three main ways.....

How we meet our goals:

- Advocacy
- Activities
- Education



Meeting our goals through advocacy.....

- Monthly council updates
- Providing youth perspective on issues such as the Healthy Eating, Active Living Campaign
- Provided input to Tri-Met for future transit development
- Attended Tualatin Tomorrow visioning meetings
- Provided input to Tualatin Together



Meeting our goals through activities....

- YAC members volunteer at many city events, including:
 - Walk + Bike to School Days
 - Movies on the Commons
 - West Coast Giant Pumpkin Regatta
 - Starry Nights and Holiday Lights
 - Tualatin TRYathlon



City Activities



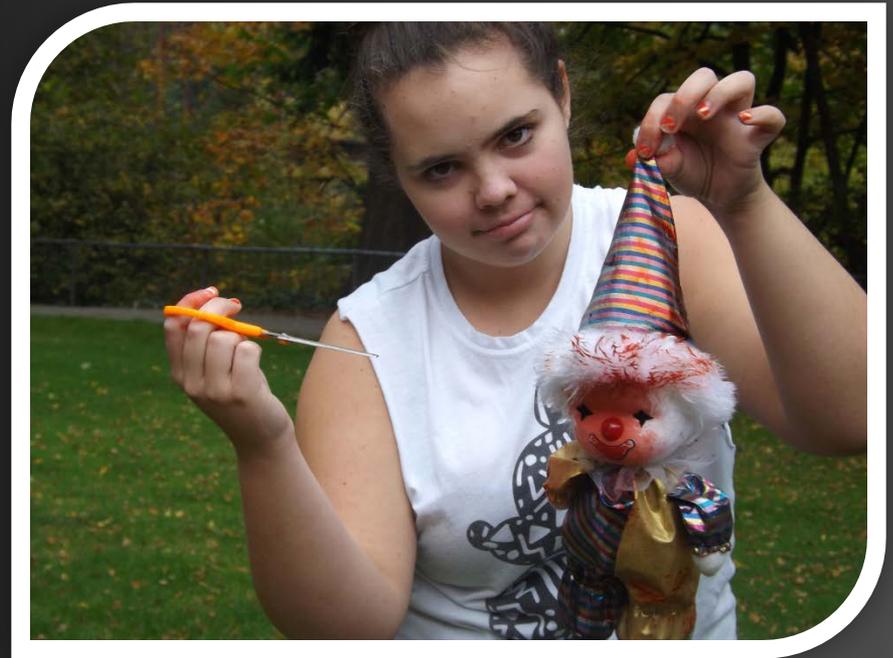
Meeting our goals through activities....

- YAC members also host several activities for teens each year including:
 - TualaPalooza
 - Annual Haunted House
 - Teen Kaleidoscope Run



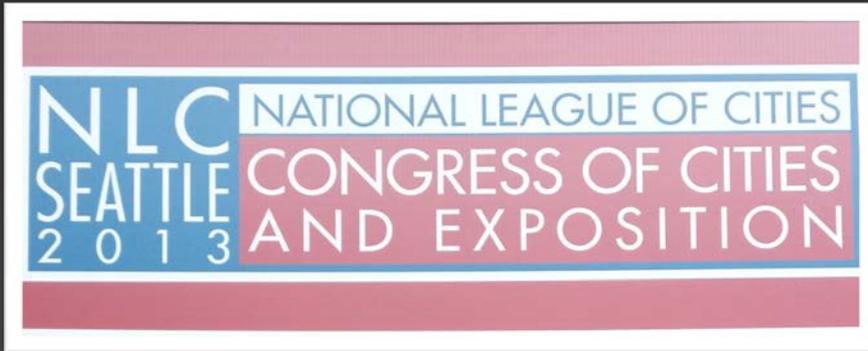
Haunted House 2013

- Four nights
- 300 attendees
- This year's theme: Nightmare Factory



Meeting our goals through education.....

- Project FRIENDS
- National League of Cities Congress of Cities



Project F.R.I.E.N.D.S



National League of Cities 2013 Seattle, WA



- YAC members Libby Banse-Fay, Tyler Inberg, Miranda Saari and Jennie Shen attended conference workshops and youth-oriented events.

Thank You!



- YAC contributed 1400 hours of service this year!
- We're looking forward to the challenges and rewards of next year!

City Council Meeting

Meeting Date: 06/09/2014

ANNOUNCEMENTS: Basalt Creek Concept Plan Public Workshop Preview

ANNOUNCEMENTS

Basalt Creek Concept Plan Community Workshop Preview

SUMMARY

An interactive community workshop for the Basalt Creek Concept Plan project is planned for Tuesday, June 17, 2014, from 6-8:30 pm at Horizon Christian High School. This interactive event will use instant polling and a mapping exercise to gather input from participants that will inform the creation of alternatives that will shape development of the Basalt Creek Area. Everyone interested in learning about this area, sharing their ideas and opinions, and contributing to the future of Basalt Creek is invited to attend. Details about the community workshop will be posted on www.basaltcreek.com, which has been redesigned with a fresh new logo, look, and helpful materials.

A. Presentation



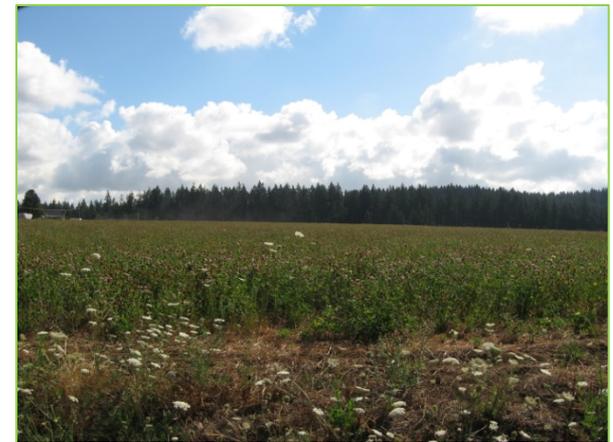
Basalt Creek Concept Plan Community Workshop Preview

City Council Meeting
June 9, 2014



What?

- **Interactive workshop**
 - Project introduction
 - Instant polling
 - Mapping exercise
- **Provide input to inform creation of alternatives**
- **Help shape the future of Basalt Creek**
- **Learn, share, contribute**



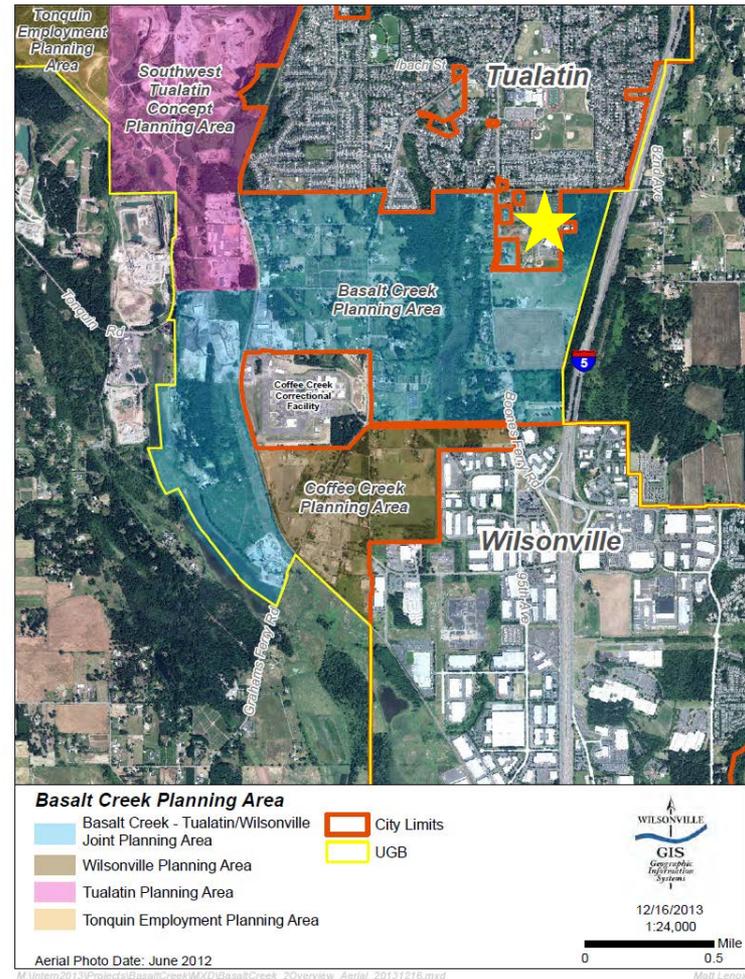
Who?

- **Everyone interested in the future of Basalt Creek**



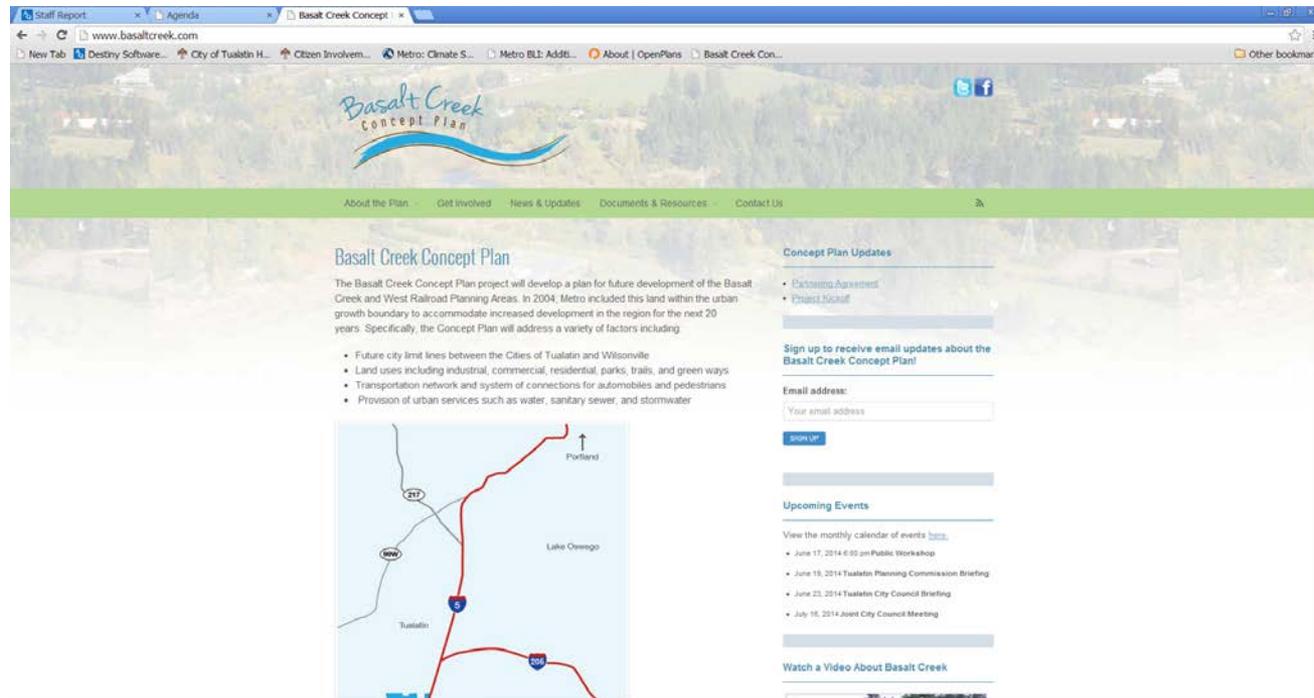
When & Where?

- Tuesday, June 17, 2014
- 6 – 8:30 pm
- Horizon Christian High School



More Information

- www.BasaltCreek.com
- New logo, new look, new features





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/09/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of May 27, 2014

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of May 27, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of May 27, 2014](#)
[City Council Regular Meeting Minutes of May 27, 2014](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR MAY 27, 2014

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Wade Brooksby; Councilor Ed Truax

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker;
Present: Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Economic Development Manager Ben Bryant

CALL TO ORDER

Mayor Ogden called the meeting to order at 6:32 p.m.

Southwest Corridor Draft Recommendation.

Assistant City Manager Alice Cannon and Economic Development Manager Ben Bryant presented the draft Southwest Corridor Recommendations. Manager Bryant introduced Riverpark Citizen Involvement Organization (CIO) President Jan Guinta. Ms. Guinta provided the Council with citizen surveys from the Riverpark CIO meeting. She recapped the results of their May 22 meeting.

Council President Beikman asked if Ms. Guinta thought the results would be different if "I don't know" was offered as an answer. Ms. Guinta stated the general feeling of the group was they didn't need extra data to come to a conclusion about what would work for the community.

Council President Beikman expressed concern that not all survey respondents were citizens of Tualatin. Ms. Guinta responded everyone had to sign in and include their address at the beginning of the meeting.

Economic Development Manager Bryant shared a results from Metro's online survey. He stated the survey was a corridor wide survey with 354 total responses. He noted 15% of the respondents were from Tualatin. Comments from this survey will be available next week.

Mayor Ogden said he wants to make sure citizens are able to provide input in a meaningful manner as this process continues. Economic Development Manager Bryant responded that many tools are being used to engage citizens.

Economic Development Manager Bryant stated the Planning Commission reviewed the draft recommendations and voted unanimously to support the SW Corridor project.

Assistant City Manager Cannon stated the SW Corridor Steering Committee will meet on June 9 to take official action.

Mayor Ogden requested the CIO surveys be included in Metro's official record for the project.

Council Meeting Agenda Review, Communications & Roundtable.

ADJOURNMENT

The work session adjourned at 7:01 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MAY 27, 2014

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Wade Brooksby; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Library Manager Jerianne Thompson; Teen Program Specialist Julie Ludemann; Street Division Manager Bert Olheiser; Public Works Director Jerry Postema

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:06 p.m.

B. ANNOUNCEMENTS

1. Mayoral Proclamation Declaring May 13, 2014 as "Sarah Morris Day" in Tualatin

Paige Jordan, Community Relations Manager, Barnes and Noble at Bridgeport Village, introduced Sarah Morris as the 2014 Barnes and Noble Teacher of the Year.

Mayor Ogden introduced Ayslinn Buchholz the student who wrote the nomination essay. Ms. Buchholz expressed her gratitude for Ms. Morris's dedication to her students.

Mayor Ogden presented Ms. Morris with a Mayoral Proclamation declaring May 13, 2014 as Sarah Morris Day in the City of Tualatin.

2. Tualatin Tomorrow Update

Deputy City Manager Sara Singer presented a brief update on Tualatin Tomorrow's activities. She stated the committee is working toward implementing the adopted vision plan. They are currently in the process of recruiting partners. A kick-off event will be held on June 10, 11:30 a.m., at Hayden's, to share information about the vision plan.

C. CITIZEN COMMENTS

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Linda Moholt announced that this year's Regatta Run raised \$21,000 in scholarship funds that have been awarded to 12 Tualatin students.

Kathy Newcomb submitted a request to the Council to purchase land for a Park and Ride along Hwy 99W.

D. CONSENT AGENDA

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MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to approve the consent agenda.

Vote: 5 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of May 12, 2014
2. Consideration of Amendment No. 3 to An Intergovernmental Agreement with Metro for the 2006 Natural Areas Bond Measure Local Share Component
3. Consideration of **Resolution No. 5191-14** Authorizing the Refunding of Water Revenue Bonds to Obtain Debt Service Savings

E. SPECIAL REPORTS

1. Update on Summer Programs and Activities Offered by the City of Tualatin and Partners

Teen Program Specialist Julie Ludemann and Library Manager Jerianne Thompson presented the City of Tualatin 2014 Summer Programs. Programs included the Summer Reading Program, Youth Summer Camps, Concerts on the Commons, ArtSplash Art Show, the Tualatin Farmers Market, Tualatin Crawfish Festival, Gang Resistance Education and Training (GREAT) Summer Program, and TEAM Tualatin. There will also be many ongoing activities at the Juanita Pohl Center, Tualatin Heritage Center, and the Library.

2. Quarterly Financial Report

Finance Director Don Hudson presented the quarterly financial report for the third quarter of Fiscal Year 2013/14. Revenues and Expenditures in Operating funds are tracking as expected. Building permits are trending low as not all permits for Nyberg Rivers have been issued at this time. The City received the Government Finance Officers Association Distinguished Budget Presentation Award for the first time. The fiscal year 2014/2015 budget meetings are underway. The first meeting was held on May 13 where the budget message was delivered. The next meeting will be on May 28.

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1371-14** Annexing Territory Located at 17645 SW Jurgens Avenue Into the City of Tualatin and Withdrawing the Territory From the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map 2S1 14CC, Tax Lot 4801) (ANN-14-02)

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for first reading by title only.

Vote: 5 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for second reading by title only.

Vote: 5 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adopt ordinance Ordinance No. 1371-14 annexing territory located at 17645 SW Jurgens Avenue into the City of Tualatin and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

Vote: 5 - 0 MOTION CARRIED

2. Consideration of **Resolution No. 5192-14** Awarding the Bid for the 2014 Pavement Maintenance Program and Authorizing the City Manager to Execute a Contract.

Public Works Director Jerry Postema and Streets Division Manager Bert Olheiser presented the 2014 Pavement Maintenance Program. Manager Olheiser stated the program has a proposed budget of \$600,000 for crack sealing, slurry seals, full depth patch work, and overlays. He explained the process for each and which locations they would be applied. Director Postema explained the communication plan including social media, interactive maps, and signage.

Councilor Bubenik asked about the work being done on 90th Street. Manager Olheiser stated the work will be done after July 1 and is expected to be finished before August 22.

Mayor Ogden asked about the typical life span of a road. Manager Olheiser stated road design in Tualatin has a 20 year life expectancy.

Council President Beikman asked if dates for these projects would be updated online. Director Postema responded they would be.

Councilor Bubenik asked about multilingual outreach. Director Postema stated meetings with business owners and apartment complexes in affected areas are being scheduled to assist with outreach.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt Resolution No. 5192-14 awarding the bid for the 2014 Pavement Maintenance Program and authorizing the City Manager to execute a contract.

Vote: 5 - 0 MOTION CARRIED

3. Receive for Filing of Initiative Petition 2012-01i with the Tualatin City Council

City Manager Lombos stated a prospective petition for a local measure was filed with the City on March 30, 2012. The initiative petition called for an amendment to the City Charter requiring voter approval for use of city resources for rail transit. The County notified the City on May 14, 2014 that the appropriate number of signatures had been verified. As required by state law, the City Elections Official is filing the initiative petition with the City Council. The initiative will be placed on the September 16, 2014 Special Elections ballot for consideration by the voters. She noted since the measure will be voted on during a special election the City will be responsible for the cost of the election, which is estimated to be approximately \$14,000.

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

Councilor Bubenik attended the Memorial Day Celebration event hosted by the Auxiliary and the VFW. He thanked them for putting on another great event.

Council President Beikman proposed changes to the city's election process. Proposed changes included not allowing special elections, shortening the time frame for signature gathering, and not allowing electronic signatures. The general consensus amongst the Council was to pursue the changes.

Mayor Ogden thanked the Auxiliary and the VFW for holding the Memorial Day Celebration event. He also thanked Riverpark CIO President Jan Guinta and those who participated and provided feedback on the SW Corridor project.

Council President Beikman attended the Youth Advisory Council's Project FRIENDS event. She stated the event was successful and thanked the members for their hard work.

I. ADJOURNMENT

Mayor Ogden adjourned the meeting at 8:10 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 06/09/2014

SUBJECT: Consideration of Resolution No. 5197-14 Certifying City of Tualatin Municipal Services

ISSUE BEFORE THE COUNCIL:

To be eligible to receive state shared revenues (cigarette, liquor and highway taxes), the City must certify it provides four or more of certain municipal services.

RECOMMENDATION:

Staff recommends that the Council adopt the attached Resolution certifying City of Tualatin municipal services.

EXECUTIVE SUMMARY:

The State of Oregon requires that cities located in a county having more than 100,000 inhabitants according to the most recent decennial census, must provide four or more of certain municipal services in order to receive state shared revenues. Those services are: Police Protection; Fire Protection; Street Construction, Maintenance and Lighting; Sanitary Sewers; Storm Sewers; Planning, Zoning and Subdivision Control; and Water Utility Services. The City provides six of the seven listed municipal services (Fire Protection is provided by Tualatin Valley Fire & Rescue).

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state shared revenues. If the Council does not approve the Resolution, the City will not receive state shared revenues and we will need to reduce expenditures or contingencies.

FINANCIAL IMPLICATIONS:

It is estimated, and budgeted, that the City will receive \$33,150 in Cigarette Taxes and \$377,800 in Liquor Taxes in the General Fund and \$1,517,170 in State Gas Taxes in the Road Operating/Gas Tax Fund.

Attachments: Resolution No. 5197-14

RESOLUTION NO. 5197-14

A RESOLUTION CERTIFYING CITY OF TUALATIN MUNICIPAL SERVICES

WHEREAS Oregon Revised Statutes (ORS) 221.760 provides that the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- 1. Police Protection
- 2. Fire Protection
- 3. Street Construction, Maintenance and Lighting
- 4. Sanitary Sewers
- 5. Storm Sewers
- 6. Planning, Zoning and Subdivision Control
- 7. Water Utility Services; and

WHEREAS the City Officials recognize the desirability of assisting the State officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City of Tualatin hereby certifies that it provides the following four or more services enumerated in Section 1, ORS 221,760:

- 1. Police Protection
- 2. Street Construction, Maintenance and Lighting
- 3. Sanitary Sewers
- 4. Storm Sewers
- 5. Planning, Zoning and Subdivision Control
- 6. Water Utility Services.

Section 2. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 9th day of June, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder
Paul Hennon, Community Services Director

DATE: 06/09/2014

SUBJECT: Consideration of an Intergovernmental Agreement between Washington County and the City of Tualatin for the Washington County Community Development Block Grant Program, Years 2015-2017

ISSUE BEFORE THE COUNCIL:

Consideration of authorizing the City Manager to execute an Intergovernmental Agreement with Washington County to continue the partnership in the Community Development Block Grant (CDBG) program.

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to execute the Intergovernmental Agreement.

EXECUTIVE SUMMARY:

In 2011, Tualatin entered into a three-year Intergovernmental Cooperation Agreement with Washington County to continue partnership in the Community Development Block Grant (CDBG) program. While the existing agreement contains an automatic renewal clause which would go into effect should there be no changes required by HUD, HUD's recent guidance on urban requalification has necessitated changes to the legal document. The changes are all very minor and include:

- More detailed statutory references under II.3 (required by HUD)
- New language regarding use of funds under III.8 (required by HUD)
- Updating HUD's new address
- Housekeeping edits

FINANCIAL IMPLICATIONS:

There are no direct financial implications with this agreement; however, the City of Tualatin has received CDBG funds through Washington County and the updated agreement will allow Tualatin to continue to participate.

Attachments: [IGA](#)

INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM YEARS ~~2012 - 2014~~ 2015 - 2017

This Agreement is entered into between Washington County ("COUNTY"), a political subdivision of the State of Oregon, and the City of _____ ("CITY"), a municipal corporation of the State of Oregon located within Washington County, for the cooperation of units of local government under the authority of ORS 190.010.

I. RECITALS

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 ("THE ACT"), the Housing and Urban/Rural Recovery Act of 1983, the Housing and Community Development Act of 1987, the National Affordable Housing Act of 1990; and

WHEREAS, Congress has declared that the nation's cities, towns and small urban communities face critical social, economic and environmental problems; and

WHEREAS, Congress has further found and declared that the future welfare of the Nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic and political entities; and

WHEREAS, the primary objective of the Act(s) is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, the parties to the agreement are dedicated to the elimination of slums, blight and the prevention of blighting influences and the deterioration of property; the improvement of neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and

WHEREAS, the parties are dedicated to the elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities; and

WHEREAS, the parties are dedicated to the conservation and expansion of existing public housing stock in order to provide a decent home and a suitable living environment for all persons but principally those of low and moderate income; and

WHEREAS, the parties are dedicated to the expansion and improvement of quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development ~~of~~ viable urban communities; and

WHEREAS, the parties are dedicated to a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers; and

WHEREAS, the parties are dedicated to the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of ~~deterioration or~~ deteriorated neighborhoods to attract person of higher income; and

WHEREAS, the parties are dedicated to the restoration and preservation of properties of special value for historic, architectural or aesthetic reasons; and

WHEREAS, the parties are dedicated to the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base; and

WHEREAS, the parties are dedicated to the conservation of the Nation's scarce energy resources, improvement of energy efficiency and the provision of alternative and renewable energy resources; and

WHEREAS, the parties desire to join together to meet the criteria for an urban county in order to qualify to receive funds to meet each of these national objectives,

NOW THEREFORE, in consideration of the mutual promises and benefits given and received within this agreement, the parties agree to each and every term contained below:

II. MUTUAL COVENANTS

1. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.
2. The parties agree that this agreement covers the CDBG Entitlement program, the HOME Investment Partnerships program (HOME), and the Emergency ~~Shelter Solutions~~ Grant Program (ESG).
3. The parties agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing; section 109 of Title I of the Housing and Community

Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975; and other applicable laws.

4. Both parties agree that the County has the final responsibility for selecting CDBG, HOME, and ESG activities and filing required documents with HUD.

III. CITY COVENANTS

1. The City expressly agrees that as the cooperating unit of general local government it has adopted and is enforcing the following requirements of law:
 - 1.1 A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - 1.2 A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
2. The City agrees that it is subject to the same requirements applicable to subrecipients set forth in 24 CFR 570.501 (b).
3. The City agrees in order to participate as a subrecipient under the terms of this agreement it shall enter into a contract as required by 24 CFR 570.503.
4. The City agrees that the County as the recipient is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County as recipient is responsible for determining the adequacy of performance under subrecipient agreements.
5. The City authorizes the inclusion of its population for purposes of the Act, and joins together with other units of general local government to qualify the County as an urban county for Housing and Community Development Act block grant funds.
6. The City agrees it may not apply for grants from appropriations under the State CDBG program for fiscal years during the period in which it participates in the urban county's CDBG program.
7. The City agrees that it may not receive either HOME or ESG formula allocations, except through the County. Regardless of whether the County receives a HOME formula allocation, City agrees that it may not form a HOME consortium with other local governments.
- ~~7-8.~~ The City agrees that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-federal considerations, but must use such funds for activities eligible under Title I of the Act.

IV. TERM OF AGREEMENT

1. This Agreement shall remain in effect for three Fiscal Years commencing July 1, 201~~25~~, and ending June 30, 201~~58~~, which shall constitute the urban county qualification period.
2. This agreement shall remain in effect until the CDBG, HOME, and ESG funds and program income received (with respect to activities carried out during the three-year qualification period, and any successive qualification periods under agreements that provide for automatic renewals) are expended and the funded activities completed.
3. The Agreement shall be automatically renewed for participation by the parties for successive three-year qualification periods unless either party provides written notice to the other that it elects not to participate in the new qualification period. The parties agree to send any such notice to the HUD Field Office at ~~400 SW Sixth Avenue, Suite 700, Portland, OR 97204~~ 1220 SW 3rd Avenue, Suite 400, Portland, OR 97204-2825, upon such election.
 - 3.1 The urban county shall send a written notice to the City advising of the City's right to elect not to participate in the next automatic urban county qualification period. The County shall send the notice to the City by the date specified in HUD's Urban County Qualification Notice for the next qualification period. County shall send a copy of the notice to HUD.
 - 3.2 The failure by either party to adopt an amendment to this agreement incorporating all changes necessary to meet the requirements for cooperation agreement set forth in the Urban County Qualification Notice applicable for any subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice will void the automatic renewal of subsequent qualification periods set forth in Section IV.3 above.

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V. TERMINATION

1. This Agreement may be terminated by the County in the event funding is no longer available; otherwise, neither party may terminate or withdraw from the Agreement while the Agreement remains in effect

VI. ENFORCEMENT

1. The County is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County may use any available legal methods to ensure compliance by the City.
2. The County is also responsible for determining the adequacy of performance under all applicable subrecipient agreements and procurement contracts and for

taking appropriate action when performance problems arise, such as action described in 24 CFR 570.910. The County may use any available legal methods to ensure compliance by the City.

3. The County shall not distribute any CDBG, HOME, or ESG funds for activities in or in support of the City if the City does not affirmatively further fair housing within its own jurisdiction or acts in a manner that impedes the County's actions to comply with its fair housing certification.

VII. POLICY ADVISORY BOARD

For the purpose of developing an annual Community Development Plan and Programs as required by Title I of the Act, a Policy Advisory Board is hereby continued which shall guide the plan and program development, make recommendations to the County upon the criteria to be utilized in selecting eligible Housing and Community Development Act activities within Washington County, and recommend to the County the program priorities.

1. The Policy Advisory Board shall be composed of one representative and a designated alternate from the County and each participating unit of general local government. The County and City shall have one vote on the Board. Jurisdictions shall appoint an elected official as primary and an employee or other public official as an alternate.
2. The Policy Advisory Board shall adopt bylaws, study, review, hold public hearings, supervise the public review and information process, and recommend to Washington County on all matters related to the Housing and Community Development Act as amended. Activities shall include making recommendations concerning the Housing and Community Development Plan (Consolidated Plan), and annual action plan(s), a five-year non-housing Community Development Plan, Fair Housing Plan, performance reports, citizen participation plans, and developing or directing studies necessary to gather data or information on which to base its recommendations.
3. After public hearings, the Policy Advisory Board shall make final recommendation on the Housing and Community Development Plan (Consolidated Plan) which may be accepted by Washington County at a public meeting and submitted to the Department of Housing and Urban Development as the Washington County application; provided that, should all or part of the recommended plan not be considered acceptable to the County, the Board of County Commissioners shall hold at least one (1) public hearing on the plan and program prior to rejection or amendment of the recommended plan. The County shall be responsible for filing required documents with HUD.

4. Projects may be implemented and funds expended in accordance with subgrant agreements between the County and other jurisdictions signatory to this Agreement.

VIII. CERTIFICATION

The parties by the signatures below certify that the governing body of each party has authorized entry into this Agreement.

IN WITNESS, the undersigned parties have executed this Agreement this ____ day of _____, _____.

WASHINGTON COUNTY CITY OF _____

BY _____ By _____
Chair, ~~Washington County~~ Board of ~~Washington County~~
Commissioners

Title

Date (required)

Recording Secretary

Date (required)

~~It is my opinion I certify~~ that the terms and provisions of this Intergovernmental Agreement are fully authorized under the State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

Paul L. Hathaway III
Senior Assistant County Counsel



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 06/09/2014

SUBJECT: Consideration of **Resolution No. 5199-14** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2014-15

ISSUE BEFORE THE COUNCIL:

Whether or not to receive State Revenue Sharing Funds.

RECOMMENDATION:

Staff recommends adopting the attached Resolution after conducting the required public hearing.

EXECUTIVE SUMMARY:

In order for the City to receive state shared revenues, the City must have levied property taxes in the prior fiscal year, pass a resolution approving participation in the program and hold two public hearings on the use of state revenue sharing funds. The first public hearing, before the budget committee, is to discuss possible uses of the funds. That public hearing was held on May 28, 2014. The second public hearing, before the City Council this evening, is to discuss the proposed uses of the funds.

The City is set to receive \$300,200 in State Revenue Sharing Funds in 2014-15. This amount is a portion of the Liquor Tax and is apportioned to cities based upon a calculation defined in Oregon Revised Statutes (ORS) 221.770 using factors such as adjusted population and state per capita income.

The City also receives allocations for another portion of Liquor Tax funds, as well as Cigarette and Gas Taxes, based upon a per capita distribution. These funds are governed under ORS 221.760. The law provides that cities located within a county having more than 100,000 inhabitants, must provide four or more municipal services (out of a list of seven types of services) to be eligible to receive these revenues. Council must pass a resolution stating that these services are provided (on this evening's Council Agenda), and are therefore not part of tonight's public hearing.

These revenues are not restricted by the State and are therefore used as a General Fund revenue source.

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state shared revenues. If the Council does not approve the Resolution, the City will not receive state shared revenues and will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

The City has budgeted \$300,200 of state shared revenues in the General Fund for general city operations in Fiscal Year 2014-2015.

Attachments: [Resolution State Revenue Sharing](#)

RESOLUTION NO. 5199-14

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS DURING THE 2014-15 FISCAL YEAR

WHEREAS Oregon Revised Statutes (ORS) 221.770 requires that the City Council pass a resolution declaring the City's election to receive State Revenue Sharing funds; and

WHEREAS the 2014-15 budget for the City of Tualatin contains State Shared Revenues as a resource in the budget year beginning July 1, 2014; and

WHEREAS the Budget Advisory Committee held a public hearing to discuss the possible uses of state revenue sharing funds on May 28, 2014 and the City Council held a public hearing on June 9, 2014 to discuss the proposed use of the funds for Fiscal Year 2014-15.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive State Revenue Sharing Funds for Fiscal Year 2014-15.

Section 2. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 9th day of June, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder